

Message

From: Wehling, Carrie [Wehling.Carrie@epa.gov]
Sent: 1/15/2021 4:51:17 PM
To: Conrad, Daniel [conrad.daniel@epa.gov]; OGC WLO MGMT [OGC_WLO_MGMT@epa.gov]
Subject: RE: BREAKING: EPA Challenged for Shirking Duty to Protect Communities from Lead

Yes, thanks. Sigh.

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From: Conrad, Daniel <conrad.daniel@epa.gov>
Sent: Friday, January 15, 2021 11:36 AM
To: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>
Subject: FW: BREAKING: EPA Challenged for Shirking Duty to Protect Communities from Lead

OK with "EPA does not comment on pending litigation." ?
-Dan

Daniel H. Conrad
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From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Friday, January 15, 2021 11:17 AM
To: Conrad, Daniel <conrad.daniel@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Risley, David <Risley.David@epa.gov>; Lippert, Allison <lippert.allison@epa.gov>
Subject: FW: BREAKING: EPA Challenged for Shirking Duty to Protect Communities from Lead

Hello everyone,

Did we want to go with:

Attributable to an EPA Spokesperson

EPA does not comment on pending litigation.

I am checking on deadline.

Thanks,

Angela

From: Rebecca Beitsch <rebecca@thehill.com>

Sent: Friday, January 15, 2021 11:07 AM

To: Press <Press@epa.gov>

Subject: Fwd: BREAKING: EPA Challenged for Shirking Duty to Protect Communities from Lead

Let me know if you'd like to comment.

Rebecca Beitsch

Energy and Environment Reporter

The Hill

rebecca@thehill.com | [@rebeccabeitsch](https://twitter.com/rebeccabeitsch)

----- Forwarded message -----

From: Erin Fitzgerald <efitzgerald@earthjustice.org>

Date: Fri, Jan 15, 2021 at 11:02 AM

Subject: BREAKING: EPA Challenged for Shirking Duty to Protect Communities from Lead

To: <rbeitsch@thehill.com>

For Immediate Release – January 15, 2021

Contact: Erin Fitzgerald, efitzgerald@earthjustice.org

EPA Challenged for Shirking Duty to Protect Communities from Lead

Civil rights and environmental groups sue to ensure protections for millions who rely on lead-piped drinking water

Washington, D.C. – Today, a coalition of civil rights and environmental groups represented by Earthjustice sued the EPA for failing to protect children's health and the safety of the drinking water of millions of people. The lawsuit comes as the Environmental Protection Agency (EPA) published the final — but flawed — Lead and Copper Rule Revisions in the Federal Register.

The lawsuit comes a day after ex-governor Rick Snyder and eight other former Michigan officials were charged for the 2014 Flint water crisis.

The Lead and Copper rule, or LCR, regulates the control and monitoring of lead in drinking water. These revisions dramatically slow down the rate at which lead pipes are required to be replaced. The new rule also allows small public water systems required to replace lead service lines to avoid replacing them altogether, even if those systems continually exceed the lead action level.

The NAACP, United Parents Against Lead, Newburgh Clean Water Project, and the Sierra Club are the groups challenging the revised rule. They are calling on the Biden administration to immediately start a new rulemaking process that follows the law, science and principles of environmental justice. The Natural Resources Defense Council filed a similar but separate lawsuit.

“These revisions ensure that generations of children will continue to be poisoned by lead-tainted water,” said **Queen Zakia Shabazz, executive director of United Parents Against Lead**, a nonprofit from Richmond, Virginia. “Lead poisoned children grow up to be lead poisoned adults. It's past time for the EPA to revise the Lead and Copper Rule in favor of children's health and stop childhood lead poisoning once and for all.”

Most of the lead found in drinking water comes from lead service lines, according to the EPA. Lead service lines naturally corrode when water flows through them. EPA estimates there are as many as 10 million lead service lines in the country, and researchers estimate lead pipes serve as many as 22 million people. Communities of color are disproportionately affected. A study by the Centers for Disease Control and Prevention found that 11.2 percent of African American children and 4 percent of Mexican American children are poisoned by lead.

Still, EPA's new lead rule requires water systems to replace only three percent of lead service lines annually after certain lead action level exceedances, in contrast to the seven percent rate in the former rule.

“This rule is a major disappointment,” said **Suzanne Novak, Earthjustice attorney**. “Communities exposed to dangerous levels of lead in water expected the new rule to focus on removing lead pipes from the ground, the actual remedy to keep families safe. Instead, the new rule took a huge step backwards by slowing down the replacement rate of lead service lines. The Trump administration is failing the country once again, this time as it walks out the door. Children will continue to be poisoned, with no end in sight.”

There is no safe level of lead exposure for children, according to the Centers for Disease Control and Prevention. Even in small amounts, lead can cause irreversible brain damage in children, learning disabilities, and impaired hearing.

"EPA had the opportunity to instate a lead rule that would truly protect families, especially children. Instead, it's putting our most vulnerable at risk, exposing them to serious irreversible brain and nervous system development issues, and potentially life-long learning and behavioral challenges,” says **Gabrielle Hill of the Newburgh Clean Water Project**, a Hudson Valley New York community organization. "EPA must act on the health data and take appropriate action to protect the future of communities like ours, which have experienced multiple toxic exposures.”

“Lead in water is still a major problem for families and their children all over the country. Yet EPA today finalized a lead rule that doctors and scientists say falls short,” said **Dalal Aboulhosn, Sierra Club Deputy Director of Policy Advocacy and Legal**. “If this EPA is serious about stopping children from drinking lead-tainted water, then it can't slow down the rate at which lead pipes are required to be replaced.”

Groups say the Biden administration must hold required public hearings in affected communities; and put out a rule that includes a maximum contaminant level for lead, monitor

and control for lead using best scientific practices, publicize the constant risk of exposure to lead in water and the limitations of the LCR, and require the expedited removal of all lead service lines across the country. They are also calling on Congress to prioritize full lead service line replacement by water utilities in infrastructure packages and other legislation to ensure that disadvantaged, low-income communities don't foot the bill for contaminated water.

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